

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NANCY J. PALMER,)
Plaintiff,) No. CV-06-3050-MWL
v.) ORDER GRANTING JOINT
LINDA S. McMAHON,¹) MOTION FOR REMAND
Commissioner of Social)
Security,)
Defendant.)

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 29). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 6). After considering the stipulation,

IT IS ORDERED that the above-captioned case be remanded for a de novo hearing pursuant to sentence four of 42 U.S.C. §405(g). Upon remand, the Administrative Law Judge ("ALJ") will: (1) re-evaluate the medical evidence in the relevant period and in particular, the reports and opinion of Dr. Martinez; (2) recontact

¹As of January 20, 2007, Linda S. McMahon succeeded Defendant Commissioner Jo Anne B. Barnhart as Acting Commissioner of Social Security. Pursuant to Fed. R. Civ. P. 25(d)(1), Commissioner Linda S. McMahon should be substituted as Defendant, and this lawsuit proceeds without further action by the parties. 42 U.S.C. § 405(g).

1 Dr. Martinez, if appropriate; (3) reconsider Plaintiff's residual
2 functional capacity and (4) perform a new step four evaluation,
3 and if necessary, a step five analysis with vocational expert
4 evidence.

5 Accordingly, this Court hereby reverses the Commissioner's
6 decision under sentence four of 42 U.S.C. § 405(g) with a remand
7 of the cause to the Commissioner for further proceedings. See
8 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

9 **IT IS FURTHER ORDERED:**

10 1. The parties Joint Motion to Remand (**Ct. Rec. 29**) is
11 **GRANTED**.

12 2. Judgment shall be entered for the **PLAINTIFF**.

13 3. An application for attorney fees may be filed by
14 separate motion.

15 4. The District Court Executive is directed to enter this
16 Order, forward copies to counsel, and thereafter shall **close** this
17 file.

18 DATED this 5th day of February, 2007.

19
20 S/ Michael W. Leavitt

21 MICHAEL W. LEAVITT
UNITED STATES MAGISTRATE JUDGE